

PEABODY PLANNING BOARD
PEABODY, MASS.

February 4, 1955

The Honorable City Council
City of Peabody

Gentlemen:

The Planning Board submits the following final report with recommendations on proposal (A) to change the zoning of an area lying partly within and partly outside the area bounded by Highway Route 128, Andover Street, Cross Street, Prospect Street and the Salem Branch of the Boston and Maine Railroad from Single Residence District to General Business District, and on an alternative proposal (B) to amend Section 6A, Limited Business Districts, Section 11, Height Regulations, and Section 14, Yards and Courts, of the Zoning ordinance, and to establish a Limited Business District in the area first-mentioned above.

FINAL REPORT

Proposal (A). St. Joseph's Juniorate of Peabody, Massachusetts, petitioned the Planning Board to recommend to the City Council that the entire area of land owned in Peabody by the Juniorate be zoned from Single Residence District to General Business District. A copy of the petition is attached, together with a copy of the plan referred to therein.

A meeting with representatives of the Juniorate and of Jordan Marsh Company, the prospective purchaser, was arranged for December 27 with an understanding that it was the desire of the petitioner that a hearing be held after Jordan Marsh Company had developed data for presentation at the hearing.

A second meeting was held with representatives of these parties on January 10, 1955, at which time it was indicated that they were prepared for a hearing.

A public hearing after due notice was held on January 20, 1955 attended by over 60 persons. Representatives of Jordan Marsh Company outlined their plans to develop a regional shopping center, and presented a stipulation signed on behalf of St. Joseph's Juniorate and Jordan Marsh Company in which they agree not to develop any part of the property in such a way as to depart from the provisions presently applicable to a Limited Business District with certain exceptions. A copy of the stipulation dated January 20, 1955 is attached. A considerable number present at the hearing asked to be recorded in favor of re-zoning for a regional shopping center as described. A letter was received from the office of the Industrial Development Commission in favor of the re-zoning. No opposition was recorded.

The Planning Board in its consideration of this proposal was in unanimous agreement that lots 1,2,3,7,8,9 and 10 shown on the plan submitted and comprising the entire area owned by the Juniorate lying Northerly of the Railroad and Lot 6 lying Southerly of the Railroad should be re-zoned for regional shopping center purposes. Lots 4 and 5, which are the remainder in the ownership of the Juniorate are relatively small, detached areas lying southerly of the Railroad. They are not included in the present plans for development of the regional shopping center as stated at the hearing and no purpose would appear to be served by changing the zoning of these two lots at this time.

Proposal (B). In considering the applicability of the regulations for General Business Districts of the Zoning Ordinance to regional shopping center purposes, the Board unanimously agrees that the exceptions proposed by the petitioner and Jordan Marsh Company in the stipulation are satisfactory. The Board realizes that as between the present regulations of Limited Business Districts and those of General Business Districts the petitioner felt that the latter more nearly suited the requirements.

However, we believe that the same purpose can be achieved in a simple manner by amending the regulations for Limited Business Districts in the light of approved present-day regional shopping center practices and by rezoning the Juniorate property accordingly. This will avoid the possible impropriety from a municipal standpoint of accepting a private stipulation to modify or affect a city ordinance.

A public hearing after due notice was held on February 3, 1955 on proposed amendments to Section 6A, Limited Business Districts, Section 11 Height Regulations, Business and Industrial Districts and Section 14, Yards and Courts, of the zoning ordinance. About 20 persons attended. A few were recorded in favor. No one appeared in opposition.

RECOMMENDATIONS

Be it ordained by the City Council of the City of Peabody that the Ordinance Establishing the Zoning Regulations in the City of Peabody, adopted February 11, 1937, be amended as follows:

- (1) By striking out the first three subdivisions of Section 6A of said ordinance and inserting in place thereof the following:

"1. Any purpose permitted under sections four, five, six and seven, subject to the provisions of section nineteen, with the exception of any of the following uses, which are expressly prohibited:

(a) Open-air Theatres

(b) Wholesale fuel, building material, food and ice distributing establishments and wholesale warehouses.

(c) Billboards and advertising signs, unless advertising establishments conducting business on the premises or directing the way to such establishments."

- (2) By striking out the first and last sentences of subdivision 4 of Section 6A of said ordinance and re-numbering it so that it becomes subdivision 2.

- (3) By striking out the words, "in general business districts" from the second part of the first sentence of subdivision (a) of Section 11 of said ordinance.

- (4) By striking out the fourth paragraph of subdivision (a) of Section 14 of said ordinance and inserting in place thereof the following:

"In limited business districts no principal building shall be erected nearer than 100 feet from the line of an existing public street which had been established as such prior to January 1, 1955."

- (5) By adding the following amendment:

" A limited business district is hereby established to comprise an area lying on the Northwestern side of Highway Route 128, two contiguous areas lying on the Southeasterly side of Highway Route 128, and an area lying on the Southerly side of the Salem Branch of the Boston and Maine Railroad described as follows:

The land in Peabody lying on the Northwestern side of Highway Route 128 bounded and described as follows:

Beginning at a point at the junction of Prospect and Cross Street, and thence running by Cross Street in an Easterly direction 1264.45 feet; thence by a curved line at the junction of Cross Street and Andover Street having a radius of 121.35 feet, a distance of 122.60 feet, thence running in a Southeasterly direction by said Andover Street, 614.83 feet and again Southeasterly by said Andover Street, 907.38 feet to land now or formerly of Taylor;

thence turning and running in a Southwesterly direction by said land now or formerly of Taylor 414.71 feet; thence turning and running Southeasterly by said land now or formerly ^{of} ~~to~~ Taylor 113.00 feet; thence turning and running Northeasterly by said land now or formerly of Taylor 248.00 feet to Route 128; thence turning and running by Route 128, on a curved line having a radius of 210.00 feet, a distance of 160.67 feet in a Southwesterly direction, again on a curved line having a radius of 118.95 feet, a distance of 100.77 feet in a Southwesterly direction, and continuing in a Southwesterly direction on several courses 665.36 feet, 2218.61 feet, to land now or formerly of the Boston and Maine Railroad; thence turning and running in a Westerly direction by said land now or formerly of the Boston and Maine Railroad 414.00 feet; thence turning and running in a Northerly direction by land now or formerly of the Boston and Maine Railroad, Zwonick, and the City of Peabody, 589.84 feet, and 23.58 feet; thence turning and running in a Northeasterly direction by land now or formerly of Gasiorowski, 1173.86 feet; thence continuing in a Northeasterly direction partly by said land now or formerly of Gasiorowski and land now or formerly of Chmeil, 384.79 feet; thence turning and running in a Northwesterly direction by said land now or formerly of Chmeil, 234.75 feet; thence turning and running in a Northeasterly direction by said land now or formerly of Chmeil, Smith and Russell, 250.35 feet; thence turning and running in a Northwesterly direction by said land now or formerly of Russell 64.77 feet; thence turning and running by said land now or formerly of Russell in a Northeasterly direction, 321.40 feet; thence turning and running by said land now or formerly of Russell a distance of 361.02 feet to Prospect Street; thence turning and running in a Northeasterly direction by Prospect Street 111.53 feet to the point of beginning.

The land in Peabody lying on the Southeasterly side of Highway Route 128 bounded and described as follows:

Beginning at a point on the Southerly side of Route 128 at land now or formerly of E. C. Carr and thence running in a Southeasterly direction by said land now or formerly of E. C. Carr and by land now or formerly of G. M. Carr, 330.00 feet; thence turning and running Southwesterly by land now or formerly of Gromko, 312.28 feet, thence turning and running Southerly by said land now or formerly of Gromko 310.61 feet, continuing Southerly across the

end of Buttonwood Lane, 59.22 feet and by land now or formerly of Wahtera 453.25 feet and 302.03 feet; thence turning and running Southwesterly by said land now or formerly of Wahtera 190.52 feet; thence turning and running Westerly by land of the City of Peabody, 126.66 feet to the Northerly side of Warren Street Extension; thence turning and running in a Westerly direction by said Warren Street Extension on several courses, 163.31 feet, 747.11 feet, 48.40 feet, 335.70 feet, 798.33 feet, and 96.21 feet to Route 128; thence turning and running in a Northeasterly direction by said Route 128, 1751.64 feet and 356.11 feet; thence Southeasterly 72.00 feet, thence Northeasterly 255.00 feet to the point of beginning.

The land in Peabody lying on the Southeasterly side of Highway Route 128 bounded and described as follows:

Beginning at land now or formerly of the Boston and Maine Railroad and thence running in a Northwesterly direction by said land of the Boston and Maine Railroad a distance of 1259.99 feet to Route 128; thence turning and running by said Route 128 in a Northeasterly direction, 163.26 feet and 193.59 feet; thence turning and running in a Southerly direction on a curved line having a radius of 40.00 feet, a distance of 96.21 feet; thence continuing in a Southeasterly direction by the Northerly line of Warren Street Extension on two courses, 798.33 feet, and approximately 180.00 feet; thence turning and running Southerly, 177.2 feet to land now or formerly of the Boston and Maine Railroad and the point of beginning.

The land in Peabody lying on the Southerly side of the Salem Branch of the Boston and Maine Railroad bounded and described as follows: Beginning at a point in the southerly ^{line} ~~side~~ of land now or formerly of the Boston and Maine Railroad 360 feet, more or less, Easterly of the Southerly line of Route 128; thence bounded Westerly by land now or formerly of King, 220 feet, more or less; Southerly and Easterly by Proctor's Brook and by land now or formerly of Karelitz, Sheehy, and King, 935 feet, more or less; Northerly by land now or formerly of the Boston and Maine Railroad, 864 feet more or less, to the point of beginning.

Harold W. Negro)
William H. Flynn Jr.)
Irving R. Beane)
William B. Moore)
_____)

PLANNING BOARD

City of Peabody

Rec'd in the Office of the
City Clerk Friday, 4 Feb.,
1955 - 2 P.M.

Peabody, Mass.

I have read the final report and recommendations of the Planning Board to the City Council, dated February 4, 1955, relative to rezoning the Juniorate property from Single Residence District to Limited Business District and wish to have my signature considered as affixed to the report and recommendations.

(Sgd) JOSEPH S. BACHOROWSKI

February 4, 1955

11 Beacon Street
Boston, Massachusetts
December 14, 1954

Planning Board
City of Peabody
City Hall
Peabody, Massachusetts

Gentlemen:

St. Joseph's Juniorate of Peabody, Massachusetts, a corporation duly established by law, hereby respectfully petitions that the Planning Board, after hearing as prescribed by law, report finally with recommendations to the City Council that the entire area of land owned by said corporation, being an area of 18 1/4 acres, more or less, and specifically shown on a plan entitled "St. Joseph Juniorate, Peabody, Mass., scale 1 in. = 80 ft., Nov. 1954. Osborn Palmer, C. E.", which plan is submitted herewith, now zoned as a single residence district, be zoned as a general business district.

Respectfully yours,

St. Joseph's Juniorate
of Peabody, Massachusetts.

By: /s/ Arthur P. Sullivan
Arthur P. Sullivan

Its attorney hereunto duly authorized.

January 20, 1955

Planning Board City of Peabody
City Hall
Peabody, Massachusetts

Dear Sirs:

The undersigned, being the present owner of the property presently belonging to St. Joseph's Juniorate in Peabody, Massachusetts, and the prospective purchaser thereof under an existing Purchase and Sale Agreement, do hereby stipulate and agree that if the Zoning Ordinance of the City of Peabody is amended as proposed to place the above property in a general business district, we will not develop any part of the property in such a way as to depart from the provisions presently applicable to a limited business district, except as follows:

We would be free to build up to the height restrictions applicable to general business districts; to adopt any of the uses specified in Section 7 of the Peabody Zoning Ordinance as presently in force except that we would not permit any open air theatre to be maintained upon the premises and we would not permit wholesale (as opposed to retail) operations of the type described in Paragraph 7 of Section 7; ~~we~~ we would not be required to conform with the first or last sentences of Paragraph 4 of Section 6A, provided that we would permit on the premises only such billboards and advertising signs as would advertise establishments conducting business on the premises or directing the way to such establishments; and in lieu of conforming with the "front yard" provisions of Section 14 (a) we agree to refrain from erecting any principal structure within 100 feet of any existing public street.

Very truly yours,

ST. JOSEPH'S JUNIORATE

By /s/ Arthur P. Sullivan
Its Attorney

JORDAN MARSH COMPANY

By /s/ Edward R. Mitton
President